

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MARIA ALEJANDRA CELIMEN SAVINO,
JULIO CESAR MEDEIROS NEVES, and all
those similarly situated,

Petitioners-Plaintiffs,

v.

STEVEN J. SOUZA,

Respondent-Defendant.

Case No. 1:20-cv-10617 WGY

BRIEFING ON INDIVIDUAL APPLICATIONS FOR BAIL
THURSDAY, APRIL 9, 2020

1. Ramirez-Maldonado, Ranferi
2. Rojas-Ceballos, Juan
3. Vasquez-Vasquez, Obed
4. Corleto, Kevin
5. Bengu Blocker, Thembelihle
6. Masimular, Thandokuhle
7. Arreaga, Marvin
8. Beltran-Araujo, Jose
9. Carangui, Carlos
10. Gutierrez-Deleon, Carlos

INTRODUCTION

Plaintiffs respectfully submit this briefing on the individual applications for bail that are scheduled for the Court's consideration on April 9, 2020. Information that is common to a number of applications (*e.g.*, briefing on CDC high-risk medical conditions) has previously been filed with this Court, *see* ECF 52, 56, and is incorporated herein by reference. The individualized briefings that are attached hereto as Exhibits 1-10 also include the following information for each individual: a) Biographical Information; b) Medical Condition; c) Plans For Transportation/Lodging If Released; d) Criminal History; and e) Immigration History.¹

OTHER PENDING ISSUES

Plaintiffs' Motion to Add Individual to Subclass 1, ECF 40 (regarding misclassification of named Plaintiff Maria Alejandra Celiman Savino due to error on government spreadsheet), remains pending. That motion is fully briefed. *See* ECF 42 (government opposition). In their opposition, Defendant also moved to dismiss Ms. Savino, which the Court correctly denied. *See* ECF 53. Defendant does not dispute that Ms. Savino has severe asthma, no criminal convictions, and no pending charges. *Id.*

COMMON ISSUES IN INDIVIDUALIZED BRIEFINGS

I. The COVID-19 pandemic continues to escalate in Massachusetts.

	<u>COVID-19 Deaths (MA)</u>	<u>COVID-19 Cases (MA)²</u>
<i>March 27, 2020 (Date of Complaint Filing)</i>	35	3,240
<i>April 8, 2020</i>	433 (increase of 77 in last 24 hours)	16,790 (increase of 1,588 in last 24 hours)

¹ As with previous filings, if the Court determines that there are certain records or additional evidence that is needed, or wishes the included material to be presented in a different format, Plaintiffs respectfully request that the Court so inform counsel, so that we may attempt to provide it to the Court expeditiously.

² Source: <https://www.mass.gov/info-details/covid-19-cases-quarantine-and-monitoring>

Yesterday, the Bristol County Sheriff revealed that two additional members of its staff had tested positive for the COVID-19 virus, bringing the total to three. Plaintiffs were unaware of this fact until reports of it began appearing in the media. *See Two Bristol County Sheriff's officers test positive for coronavirus, office says*, BOSTON HERALD, April 8, 2020, available at <https://www.bostonherald.com/2020/04/08/two-bristol-county-sheriffs-officers-test-positive-for-coronavirus-office-says/>. News coverage also reported that those staff members had interacted with staff members and others at the facility during the period in which the CDC has advised that individuals are typically contagious. *See id.* Plaintiffs immediately contacted counsel for Defendant, seeking further information on this incident and requesting that Defendant bring it to the Court's immediate attention (as it previously did when the first staff member tested positive). Defendant has neither provided any further information to Plaintiffs, nor (to Plaintiffs' knowledge) informed the Court, although the Sheriff did apparently release a statement to the media.

In light of now three confirmed cases among staff at the Bristol County facilities, Plaintiffs asked Defendant whether any other staff have been tested, whether any class members have been tested, and what the results of any such testing has been. Plaintiffs received no response from Defendant and so cannot inform the Court further. Obviously, the virus has breached the facility walls, a fact that only heightens the need for immediate relief for class members who remain there.

CONCLUSION

Plaintiffs submit that for the foregoing reasons, as well as the specific reasons laid out in the attached individualized briefings, this Court should grant the release of all detainees on the April 9, 2020 list.

April 8, 2020
Respectfully Submitted,

/s/ Oren Sellstrom
Oren Nimni (BBO #691821)
Oren Sellstrom (BBO #569045)
Lauren Sampson (BBO #704319)
Ivan Espinoza-Madrigal[†]
Lawyers for Civil Rights
61 Battery March Street, 5th Floor
Boston, MA 02110
(617) 988-0606
onimni@lawyersforcivilrights.org

Grace Choi, Law Student Intern^{*}
Kayla Crowell, Law Student Intern^{*}
Laura Kokotailo, Law Student Intern^{*}
Aseem Mehta, Law Student Intern^{*}
Alden Pinkham, Law Student Intern^{*}
Bianca Rey, Law Student Intern^{*}
Megan Yan, Law Student Intern^{*}
Reena Parikh[†]
Michael Wishnie (BBO# 568654)
Jerome N. Frank Legal Services Organization
P.O. Box 209090
New Haven, CT 06520
Phone: (203) 432-4800
michael.wishnie@ylsclinics.org

[†] Admitted *pro hac vice*.

^{*} Law student appearances forthcoming.

CERTIFICATE OF SERVICE

I hereby certify that, on April 8, 2020 a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

Date: April 8, 2020

/s/ Oren Sellstrom
Oren Sellstrom (BBO #569045)